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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No. 918 of 1997

PETITIONER Krishna Reddy S/o Shri K.S. Reddy, Aged about 34 years, Resident of 55, Nagar Nigam Colony, Raipur, District Raipur (M.P.)

VERSUS

RESPONDENTS

1. The Registrar, Public Trust (Sub Divisional Officer) Raipur, District, Raipur (M.P.)

2. Shri Maha Maya Devi Mandir Trust, A public Trust, registered under the provisions of M.P. Public Trusts Act, 1951, having its office at Shri Maha Maya Devi Mandir, Aminpara, Raipur (M.P.)

Present: Shri Ashish Shrivastava, learned counsel the petitioner.
Shri Utkarsh Verma, learned Dy. G. A. for the State.

ORAL ORDER
(Passed on 21st June, 2006)

Shri Mahamaya Devi Mandir is a trust, registered under the provisions of Chhattisgarh Public Trusts Act, 1851 (for short 'the Act'). The petitioner was appointed as a trustee in accordance with bye-law No. 4 by the Trust Committee vide resolution dated 26-01-1996. It appears that certain persons inimical to the petitioner moved an application before the Registrar, Public Trust, the first respondent herein complaining against the style of functioning of the petitioner and alleging that the petitioner and other trustees have committed theft of the trust properties. The Registrar entertaining the said representation made an order on 30-11-1996 removing the petitioner as a trustee of the Shri Maha Maya Devi Mandir Trust. Of course, preceding the

removal of the petitioner, as a trustee, a notice was issued to the petitioner calling upon him to offer his comments/remarks on the allegations leveled against him and other trustees and it is stated that the petitioner submitted his reply to the show cause notice.

(2) In this writ petition, the above order of the Registrar is assailed among the other grounds on the ground that the impugned order is the one without authority of law.

(3) Learned counsel for the petitioner would contend that the impugned order is wholly without authority of law. The Act does not confer any power on the Registrar to remove the petitioner from the Board of Trustees. It was pointed out that the Registrar purports to have passed the impugned order under Section 26 of the Act. I have also heard learned Government Advocate who appeared for the Registrar. He was not in a position to trace the authority of the Registrar to pass the impugned order with reference to any provisions of the Act. I have perused the provisions of the Act. The power of the Registrar to pass the impugned order can not be traced to any provisions of the Act. Even Section 26 of the Act does not empower the Registrar to remove the petitioner, but, it only empowered him to forward the application to the jurisdictional Court for a direction in certain eventualities, specified in sub-Section (1) of Section 26 of the Act. In that view of the matter, the impugned order should be condemned as the one without authority of law and void *ab initio*. In the result, the writ petition is allowed and the impugned order is quashed. No costs.

Sd/-
Chief Justice